

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

DEBORAH D. VOVOCHIK,

Plaintiff,

vs.

MICHAEL J. ASTRUE,  
Commissioner, Social Security  
Administration,

Defendant.

Case No. 10-CV-73-FHM

**OPINION AND ORDER**

Plaintiff's Motion for Attorney's Fees Under the Equal Access to Justice Act, [Dkt. 23], is before the undersigned United States Magistrate Judge for decision.

Plaintiff seeks an award of \$7,464.60 for attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(a) and (d). The Commissioner agrees that Plaintiff is entitled to an award of fees, but objects to the amount as excessive. The Commissioner argues that the award should be reduced by \$522, a reduction of 3 hours, which would bring the total award to \$6,942.60. [Dkt. 24]. Plaintiff did not file a reply brief to oppose the proposed reduction.

The court finds that the amount of the fee request, as amended by the Commissioner, is reasonable. Pursuant to the Commissioner's usual practice, the check should be made payable to Plaintiff and mailed to counsel's address. If Plaintiff's attorney receives the fees awarded herein and attorney fees are also awarded and received by counsel under 42 U.S.C. § 406(b) of the Social Security Act, counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

Based on the finding that the amended amount is reasonable and the absence of any objection to the Commissioner's proposed reduction in the amount of the fee award, Plaintiff's Motion for Attorney's Fees Under the Equal Access to Justice Act, [Dkt. 23] is GRANTED in the amount of \$6,942.60.

SO ORDERED this 21st day of June, 2011.

  
FRANK H. McCARTHY  
UNITED STATES MAGISTRATE JUDGE